

PTO/SB/30 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/963,513-Conf. #1227
	Filing Date	September 27, 2001
	First Named Inventor	Gerhard Grolig
	Art Unit	1761
	Examiner Name	D. E. Becker
	Attorney Docket Number	22135-00013-US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on July 5, 2005
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No. 22-0185. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature	<i>Susan E. Shaw McBee</i>	Date	August 1, 2005
Name (Print/Type)	Susan E. Shaw McBee	Registration No.	39,294

08/02/2005 JBALINAH 00000009 220185 09963513

01 FC:1801 790.00 DA

RECEIVED
CENTRAL FAX CENTER
AUG 01 2005

Docket No.: 22135-00013-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gerhard Grolog et al.

Application No.: 09/963,513

Confirmation No.: 1227

Filed: September 27, 2001

Art Unit: 1761

For: CONCERTINA-SHAPED CASING SUITABLE
FOR EDIBLE MATERIALS

Examiner: D. E. Becker

REQUEST FOR CONTINUED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request entry of the amendment filed July 5, 2005. A fee for a request for continued examination is submitted herewith.

Applicants wish to point out that contrary to the statement on the continuation sheet of the Advisory Action mailed July 18, 2005, the fact that the claimed food additive imparts a color, an odor, an aroma, and/or a flavor to the casing so as to enable even transfer of the additive to the foodstuffs was already recited in the claims prior to the proposed amendment submitted July 5, 2005. Thus the Examiner's comment is not understood. Applicants' representative pointed this fact out to the Examiner during a phone conversation. Clarification in the next Office Action is respectfully requested.

In addition, no reference being relied upon teaches a food additive that imparts a color, an odor, an aroma, and/or a flavor to the casing so as to enable even transfer of said additive to the foodstuffs. With respect to the EP reference, such an arrangement would not be capable of evenly transferring an odor, aroma, color and/or flavor evenly to a foodstuff therein. That is,

Application No.: 09/963,513

Docket No.: 22135-00013-US

even though the EP reference discloses a food casing comprising a discontinuous layer of water soluble dry colorant, such as caramel, and a binder-sealant layer superimposed over and entirely enclosing the colorant layer top surface (p. 3, l. 28-31), there is simply no teaching in the EP reference that the water-soluble colorant could be admixed with a binder. Indeed, the EP reference teaches away from such an arrangement by stating that the colorant layer is made up of water-soluble organic dyes. The EP reference also discloses liquid smoke (p. 5, l. 49) as an optional further ingredient. However, liquid smoke is not listed among the colorants which are used to produce the color indicia. There is no teaching or suggestion that the liquid smoke should be applied to the outer surface in the manner as claimed; that is, in a manner to enable even transfer of the additive to the foodstuff.

For all these reasons, coupled with the most recent amendment that was proposed July 5, 2005, Applicants believe the present claims are in condition for allowance. Should the Examiner have any questions regarding this case, the Examiner is courteously invited to contact the office of the undersigned attorney of record.

If any additional fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22135-00013-US from which the undersigned is authorized to draw.

Dated: August 1, 2005

Respectfully submitted,

By Susan E. Shaw McBee

Susan E. Shaw McBee

Registration No.: 39,294

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant